

TOWN OF NEEDHAM

PERSONNEL RECORDS POLICY #403

1. PURPOSE AND SCOPE

The purpose of this document is to ensure that the Town remains in compliance with applicable Federal and State laws and Town By-laws regarding maintenance of and access to employee personnel files, while at the same time preserving employees' rights of confidentiality with respect to their personnel files.

2. APPLICABILITY

This policy applies to all General Government employees. Employees subject to Massachusetts Civil Service laws and/or collective bargaining agreements are subject only to those provisions in this policy which are not specifically regulated by Civil Service law or collective bargaining agreement.

3. DEFINITIONS

Refer to the Section 8.3 of the Personnel By-law for the definition of commonly used words.

Public Records – Those records defined in MGL Chapter 4, Section 7, including all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form, made or received by the Town to serve a public purpose, unless specifically exempted.

Fair Information Practice Act – M.G.L. Chapter 66 Section 10 which governs public access to records.

Keeper of the Records – That person who has custodial authority over certain records, such as the Personnel Director for personnel files, and the Town Comptroller for payroll data.

Pre-employment Documentation – Information, forms, or other similar materials submitted by a candidate prior to his/her beginning employment with the Town.

Post-employment – Information, forms, or other similar documentation submitted by or about an employee after he/she begins employment with the Town.

4. POLICY

A centralized personnel file shall be kept for each employee in the Personnel Department. Such files shall include applications, evaluations, reports and records pertinent to an employee's employment.

To ensure the uniformity and confidentiality of employee personnel files, content of and access to files is limited and shall be controlled in accordance with this policy.

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It is the policy of the Town of Needham that all employees shall comply with the laws governing public records and confidential information. No employee shall knowingly or willingly release confidential personnel information, nor shall employees refuse to provide public information. Town employees have a diminished expectation of privacy as public employees.

5. PROCEDURES GOVERNING CONTENT OF PERSONNEL FILES

- 5.1 Pre-employment documents such as applications, resumes, required licenses, offer of employment letters, copies of transcripts or diplomas, pre-employment physical reports, military discharge documentation, Civil Service certifications, and other similar materials shall be included in the personnel file.
- 5.2 Post-employment documents such as performance appraisals, disciplinary action notices, physician's statements, commendations, Civil Service promotional certifications, copies of information sent to the employee, or to third parties about the employee, etc. shall be included in the personnel file.
- 5.3 All medical-related information will be kept segregated.
- 5.4 When post-employment information is inserted into an employee's personnel file (excluding routine paperwork), he/she shall be given a copy of such material by the appointing authority/designee or the Personnel Director.
- 5.5 The appointing authority/designee at his/her discretion shall determine whether a report or record will be placed in the employee's personnel file, except for information submitted by the employee him/herself in rebuttal. Any material submitted by a person other than the appointing authority or the employee (excluding routine paperwork) shall be forwarded to the appointing authority for his/her approval prior to insertion into the file.
- 5.6 Removal
 - 5.6.1 Once inserted into an employee's personnel file, documents may only be removed if there is a clear and compelling reason to do so. Such requests must be made by the employee or his/her appointing authority.
 - 5.6.2 The employee should forward a request to his/her appointing authority. The appointing authority shall forward the request, and a letter of support or denial to the Town Administrator.
 - 5.6.3 The Town Administrator will make a determination as to whether or not the material in question should be removed from the employee's personnel file. If the appointing authority is not satisfied as to the decision of the Town Administrator, he or she may

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file an appeal with the Personnel Board in accordance with Section 8.7 of the Personnel By-law.

5.7 Location/Security Employee personnel files will be maintained in the Personnel Department at Town Hall under the supervision of the Personnel Director who will be responsible for their safety and security. Personnel files of certain seasonal employees of the Park and Recreation Department will be kept in the Park and Recreation Office at the Town Hall.

5.8 Remote Locations It is the responsibility of the appointing authority/department manager to forward all relevant documents to the Personnel Department for inclusion in the official file. Department managers may keep duplicate copies of personnel records. However, these personnel records maintained in remote locations are considered to be part of the employee's personnel record, and must be shown to the employee upon request.

6. PROCEDURES GOVERNING ACCESS

6.1 An employee, upon written or verbal request and in the presence of the Personnel Director or designee, may review, add a rebuttal to a particular document, or be provided with a copy of all or part of his/her personnel file. An employee now or formerly in the employ of the Town may see and or receive a copy of his or her own personnel records by asking in person or in writing.

6.2 Other individuals authorized access to employee personnel files include: the Town Administrator; the Personnel Director and/or designee; attorneys or union representatives of the employee who have written authorization from the employee; the department manager and appointing authority who supervise the employee; attorneys or their agents representing the Town; and third parties in response to a court order.

6.3 Compliance with Subpoena or Court Order A subpoena or court order requires the appearance of the named individual, such as the keeper of records, and may also require those individuals to bring to a court appearance certain employee records which they have in their possession. Any employee who receives a subpoena or court requiring personnel or payroll information should contact the Personnel Department immediately. The Town will only release confidential personnel information in response to a court order.

6.4 Notice of Release of Information The employee will be notified by the Personnel Department in the event that confidential employee data is released in response to a court order.

6.5 Release of Public Information

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6.5.1 Verification of Employment Authorized employees may respond to requests for verification of employment from banks, mortgage companies, credit card agents, etc. by providing basic public information such as length of service and salary rate.

6.5.2 Requests for Personnel Information Employees who receive requests for personnel information other than employment verification, even that which is public record, should refer such requests to the Personnel Director or his/her designee.

Effective Date: July 1, 2000